

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

NICOLE SCHELL, individually, and as Parent and Legal Guardian to R.S., IV, a Minor; and, RICHARD SCHELL, III, individually,

Case No. 2:23-cv-00232-ART-BNW

ORDER GRANTING

Stipulation and Proposed Order

Plaintiffs,

V.

UNITED STATES OF AMERICA;
WAYNE WALCK CLINTON; DOES 1
through 20; and ROE CORPORATIONS 1
through 20, inclusive.

Defendants.

On April 21, 2023, counsel conducted a telephonic meet and confer to discuss dismissing with prejudice and removing the named driver, Wayne Walck Clinton, from the caption. Counsel further discussed dismissing with prejudice, and removing fictitious parties named “Does 1 through 20; and Roe Corporations 1 through 20” from the caption. Plaintiff counsel agreed to this request from Defendant United States.

The basis for dismissing these parties and removing them from the caption is that the exclusive remedy for the negligent or wrongful act or omission of an employee of the United States acting in the scope of office or employment under the Federal Tort Claims

1 Act. *See* 28 U.S. Code § 2679. The United States is properly named as a defendant in this
2 matter. Based on the parties' meet-and-confer efforts, the parties reached the following
3 stipulations:

4 1. Under Federal Rule of Civil Procedure 15(a)(2), the parties respectfully
5 request that defendant Wayne Walck Clinton be dismissed with prejudice and the caption
6 be amended to reflect said dismissal.

7 2. In addition, the parties respectfully request that fictitious parties "Does 1
8 through 20; and Roe Corporations 1 through 20" be dismissed with prejudice and the
9 caption be amended to reflect said dismissal.

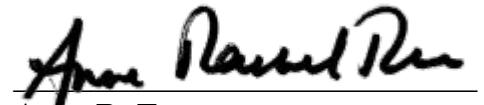
10 RICHARD HARRIS LAW FIRM

11
12 /s/ Johnathan Leavitt
Johnathan Leavitt, Esq.
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Las Vegas, Nevada 89101
13 Attorney for Plaintiff

JASON M. FRIERSON
United States Attorney

14 /s/ R. Thomas Colonna
R. THOMAS COLONNA
Assistant United States Attorney
15 Attorneys for the United States

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17 IT IS SO ORDERED.

18
19 
Anne R. Traum
20 United States District Court Judge